

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**STIPULATION BETWEEN THE CITY OF DETROIT AND THE
CHARTER COUNTY OF WAYNE REGARDING PROOF OF CLAIM
NUMBERS 3026, 3027, 3029, 3031, 3034, 3035, 3036, 3038, 3823 AND 3832**

The City of Detroit (“City”) and the Charter County of Wayne (“Wayne County”) stipulate and agree as follows:

A. On October 22, 2014, the City filed the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit [Doc. No. 8045] (“Plan”). This Court subsequently issued an Order confirming the Plan on November 12, 2014 [Doc. No. 8272].

B. On February 21, 2014, Wayne County filed the following non-priority general unsecured claims in the City’s bankruptcy case:

- i. Proof of claim number 3026 in the amount of \$700,000.06;
- ii. Proof of claim number 3027 in the amount of \$11,607.38;
- iii. Proof of claim number 3029 in the amount of \$23,625.44;
- iv. Proof of claim number 3031 in the amount of \$418,555.95;
- v. Proof of claim number 3034 in the amount of \$14,220.00;
- vi. Proof of claim number 3035 in the amount of \$132,790.00;

- vii. Proof of claim number 3036 in the amount of \$1,963.00; and
- viii. Proof of claim number 3038 in the amount of \$1,229.89.

C. On January 26, 2015, Wayne County filed its Proof of Claim for Rejection Damages and Objection to Treatment of July 28, 1976 Agreement to Purchase and Develop Land as an Executory Contract [Doc. No. 9108] (“Objection”). Paragraph 31 of the Objection alternatively asserted a non-priority general unsecured claim in the estimated amount of \$30,000,000.00 for rejection damages and it was assigned proof of claim number 3823 by the City’s claim’s agent (“Proof of claim number 3823”).

D. On March 4, 2015, the City and Wayne County entered into a stipulation regarding the Objection [Doc. No. 9355]. This Court entered an order approving the stipulation [Doc. No. 9359] (“Order”). Paragraph 2 of the Order provided that the Objection is withdrawn with prejudice; provided, however, that the Objection will remain on the claims register as a general unsecured claim designated as Claim No. 3832 solely with respect to paragraph 31 of the Objection (“Proof of claim number 3832”).

NOW, THEREFORE, the parties stipulate and agree as follows and request that the Court enter the Order attached as Exhibit 1.

1. Proof of claim number 3026 is allowed under the Plan as a Class 14 Other Unsecured Claim in the amount of \$700,000.06.

2. Proof of claim number 3027 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$11,607.38.
3. Proof of claim number 3029 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$23,625.44.
4. Proof of claim number 3031 is allowed under the Plan as a Class 14 Other Unsecured Claim in the reduced amount of \$364,551.23.
5. Proof of claim number 3034 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$14,222.00.
6. Proof of claim number 3035 is withdrawn and expunged.
7. Proof of claim number 3036 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$1,963.00.
8. Proof of claim number 3038 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$1,229.89.
9. Proof of claim number 3823 is disallowed and expunged.
10. Proof of claim number 3832 is allowed under the Plan as a Class 14 Other Unsecured Claim in the amount of \$20,800,000.00.
11. The City's claim's agent is authorized to update the claims register accordingly.

STIPULATED AND AGREED:

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| <p>ATTORNEY FOR THE CITY</p> <p>By: <u>/s/ Charles N. Raimi</u> Charles N. Raimi (P29746) Assistant Corporation Counsel City of Detroit Law Department 2 Woodward Avenue, Suite 500 Detroit, MI 48226 Telephone: (313) 237-5037 Fax : (313) 224-5505 raimic@detroitmi.gov</p> <p>and</p> <p>By: <u>/s/ Marc N. Swanson</u> Marc N. Swanson (P71149) Miller, Canfield, Paddock and Stone, PLC 150 West Jefferson, Suite 2500 Detroit, Michigan 48226 Telephone: (313) 496-7591 Facsimile: (313) 496-8451 swansonm@millercanfield.com</p> | <p>ATTORNEYS FOR THE CHARTER COUNTY OF WAYNE</p> <p>By: <u>/s/ Zenna Elhasan</u> Zenna Elhasan (P67961) Wayne County Corporation Counsel Randal M. Brown (P70031) Wayne County Deputy Corporation Counsel 500 Griswold Street, 30th Floor Detroit, Michigan 48226 Desk: (313) 224-5030 Fax: (313) 224-4882 zelhasan@waynecounty.com</p> |
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DATED: February 16, 2017

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER APPROVING STIPULATION BETWEEN THE CITY OF
DETROIT AND THE CHARTER COUNTY OF WAYNE REGARDING
PROOF OF CLAIM NUMBERS 3026, 3027, 3029, 3031, 3034, 3035, 3036,
3038, 3823 AND 3832**

Upon the Stipulation between the City of Detroit (“City”) and the Charter County of Wayne (“Wayne County”) [Doc. # [] “Stipulation”]¹; and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED THAT:

1. Proof of claim number 3026 is allowed under the Plan as a Class 14 Other Unsecured Claim in the amount of \$700,000.06.

2. Proof of claim number 3027 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$11,607.38.

3. Proof of claim number 3029 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$23,625.44.

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

4. Proof of claim number 3031 is allowed under the Plan as a Class 14 Other Unsecured Claim in the reduced amount of \$364,551.23.

5. Proof of claim number 3034 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$14,222.00.

6. Proof of claim number 3035 is withdrawn and expunged.

7. Proof of claim number 3036 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$1,963.00.

8. Proof of claim number 3038 is allowed under the Plan as a Class 15 Convenience Claim in the amount of \$1,229.89.

9. Proof of claim number 3823 is disallowed and expunged.

10. Proof of claim number 3832 is allowed under the Plan as a Class 14 Other Unsecured Claim in the amount of \$20,800,000.00.

11. The City's claim's agent is authorized to update the claims register accordingly.